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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.07.2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD)No.11596 of 2024

1.Balaji

2.Muthuselvam ... Petitioners/Accused No.5 & 6

Vs

The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli District.
(Crime No.493 of 2023) ... Respondent/Çomplainant

For Petitioners : Mr.S.P.Naveenkumar, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Cr No.493 of 2023 on the file of the respondent Police.

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ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 10.12.2023 for the offence punishable under Sections 147, 148, 341, 342, 294(b), 302, 109, 149, 120(b) and 506(ii) IPC in Cr.No.493 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that there was a dispute between the parties with regard to the temple. Due to which, the accused persons assaulted the defacto complainant with aruval. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 10.12.2023, hence they may be released on bail.

4.The learned Additional Public Prosecutor would submit that the investigation in this case completed and charge sheet filed in S.C.No.286 of 2024 before the learned Principal Sub Judge, Tirunelveli.

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5.Considering the period of incarceration and also considering the fact that charge sheet filed in this case, this Court is inclined to grant bail to the petitioners on certain conditions.

6 Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli, Tirunelveli District.

[i] the sureties shall affix their photographs and Left thumb Impression in the surety bond and the Special Court/concerned Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[ii]The petitioners shall report before the learned Principal Sub Judge, Tirunelveli on all hearing dates without fail.

[iii] the petitioners shall not tamper with evidence or witness;

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[iv] the petitioners shall not abscond during trial.

[v] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[vii] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
25/07/2024

/ TRUE COPY /

26/07/2024
Sub-Assistant Registrar (CS-I/ II/ III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

TO

1.THE PRINCIPAL SUB JUDGE, TIRUNELVELI

2.THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI, TIRUNELVELI DISTRICT.

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3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

4.THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

5.THE INSPECTOR OF POLICE,
MUNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.

6.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.P.NAVEEN KUMAR, Advocate (SR-8585[I] dated 25/07/2024)

ORDER
IN
CRL OP(MD) No.11596 of 2024
Date :25/07/2024

RK/ (26/07/2024) 5P / 8C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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